

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON JULY 14, 2010 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

**CALL TO ORDER:**

Mr. Rice, Chair called the meeting to order.

Present:        Bryan Rice, Chair  
                 William Seitz, Vice Chair  
                 Joel Donahue, Member  
                 Malvin Wells, Member  
                 Frank Lau, Member  
                 Walt Haynes, Member  
                 Robert Miller, Member  
                 John Tuttle, Member  
                 John Muffo, Board of Supervisors Liaison  
                 Steve Sandy, Planning Director  
                 Dari Jenkins, Planning & Zoning Administrator  
                 Jamie MacLean, Development Planner  
                 Brea Hopkins, Planning & Zoning Technician

Absent:         Ryan Thum, Secretary

**DETERMINATION OF A QUORUM:**

Ms. Hopkins established the presence of a quorum.

**APPROVAL OF AGENDA:**

On a motion by Mr. Haynes, seconded by Mr. Seitz, and unanimously carried the agenda was approved as amended.

**APPROVAL OF CONSENT AGENDA:**

On a motion by Mr. Miller, seconded by Mr. Wells, and unanimously carried the agenda was approved.

**PUBLIC HEARING:**

An Ordinance amending the Fee Schedule for planning and zoning activities by decreasing the application fees to file an appeal of the zoning administrator decision from \$425 to \$250 in order to comply with the recent amendment to Section 15.2-2311 of the Code of Virginia.

Mr. Rice introduced the ordinance amendment.

Mr. Sandy stated the amendment was to change the fee for appealing the zoning administrator's decision. Recently the Virginia State Code was amended to state the cost to appeal a zoning administrator's decision shall be reasonable. The amount was not defined; however, the county attorney recommended the fee be reduced to ensure compliance. The request has been properly advertised.

Mr. Rice asked if the cost of advertising was included in the fee.

Mr. Sandy stated the cost of advertising would be in addition to the \$250 application fee. The advertisement costs approximately \$150.

Mr. Seitz asked how frequently an appeal is filed.

Ms. Jenkins stated approximately three (3) times per year at the most.

Mr. Sandy described the appeal process.

Mr. Wells stated he would favor a reduction in the fee if it would help the citizens.

Mr. Rice opened the public hearing.

Mr. Brian Katz stated he would like the fee to appeal the zoning administrators decision reduced.

There being no additional speakers, the public hearing was closed.

Mr. Haynes stated he felt staff had researched what would be reasonable. Any time a reduction in fees can be given it should.

On a motion by Mr. Miller, seconded by Mr. Haynes and carried by a 8-0 vote the Planning Commission recommended approval of an Ordinance amending the Fee Schedule for planning and zoning activities by decreasing the application fees to file an appeal of the zoning administrator decision from \$425 to \$250 in order to comply with the recent amendment to Section 15.2-2311 of the Code of Virginia.

## **PUBLIC ADDRESS:**

Mr. Rice opened the public address session.

Mr. Brian Katz discussed property located at 3653 Peppers Ferry Road previously known as "Johns Auto lot". The property was sold as commercial property and is currently being used as an office and parking area for University Travel. Ms. Jenkins has issued a notice of violation and determined that the property was being used as a "truck terminal" which is not an accurate definition. It may be necessary to update the ordinance in order to provide a correct definition of the actual use. It is necessary to keep the business open while this issue is dealt with; however, staff has advised an application for rezoning cannot be considered until the property is brought into compliance.

Ms. Sara Anderson, University Travel, stated the property is being used to operate a small travel agency and motor-coach business. The buses are nice vehicles and well maintained. She noted the need to stay in business while the issue is dealt with. The business provides transportation for the public schools and local colleges. Any consideration that can be given would be appreciated.

There being no additional speakers, Mr. Rice closed the public address session.

Mr. Rice asked staff what was the present zoning of the property in question.

Mr. Sandy stated it was zoned Agricultural (A-1). Discussions had been held with the realtor regarding the possible uses. The commercial business ceased to exist for several years; therefore, lost nonconforming status. The only place that a bus terminal would be allowed is in Manufacturing (M1). The main question is should this have a separate designated use and be allowed in other districts. A rezoning would not solve the problem because it is not allowed in any district other than Manufacturing (M1) which would not be appropriate for this area.

Mr. Rice asked if the parking could be an accessory use to the office which would be allowed in the business districts.

Mr. Sandy stated under the current ordinance the use would be considered a truck terminal so another definition may be required.

Ms. Jenkins stated the main complaints from adjoining property owners have been traffic, noise, washing of vehicles, dust, etc.

Mr. Wells asked what the comprehensive plan designation was for this property.

Ms. Jenkins stated the property is included in the Belview Village.

Mr. Wells stated the parking lot has always been gravel and had traffic. A truck terminal does not appear to fit their need so a revision to the ordinance may be necessary. The appearance of the buses is not bad.

Mr. Seitz noted if the lot were asphalt the amount of dust may be reduced and alleviate some of the complaints.

Ms. Jenkins stated it would help; however, it does not make it legal. If it becomes legitimate a dustless surface would be required during the site plan review.

### **OLD BUSINESS:**

There was no old business.

### **NEW BUSINESS:**

#### Review of By-Laws

Mr. Sandy stated the agenda does not match the order of business in article 7 of the by-laws. The main question is whether the agenda should be changed to match the by-laws or should the by-laws be changed to match the agenda. If there are other issues with the by-laws the commission can discuss those as well.

Mr. Miller stated the current order of business on the agenda is appropriate.

Mr. Rice stated the approval of the agenda should be toward the beginning of the order of business instead of near the end as suggested in the by-laws.

Mr. Donahue stated the proposed changes should be submitted in writing prior to acting upon the changes.

Mr. Haynes stated there was no reason to change the current way business is conducted, so the by-laws should be revised.

Mr. Lau stated the one thing that is unusual is that the public address should allow citizens to speak on any topic; however, not be held at the beginning of the meeting.

The commission members discussed the advantages and disadvantages of the public address being held at the beginning of the meeting.

Mr. Rice noted he would like to get clarification on quorum requirements from the county attorney.

Mr. Sandy stated staff will bring back a proposed amendment to the by-laws for the next meeting.

#### David Moore Resolution of Appreciation

Mr. Sandy stated Mr. Moore had served on the commission since 2004. A resolution of appreciation has been prepared for the planning commission's approval.

Mr. Donahue requested to be added to the resolution.

Mr. Rice read the following resolution of appreciation:

WHEREAS, David Moore has provided dedicated and distinguished service to the people of Montgomery County as a member of the Montgomery County Planning Commission from June 2002 to June 2010; and

WHEREAS, Mr. Moore has provided leadership while serving as elected Chair (June 2005-December 2006), and Vice-Chair (January 2005-May 2005) of the Planning Commission; and

WHEREAS, Mr. Moore's has served as liaison and alternate member of the Board of Zoning Appeals since 2003; and

WHEREAS, Mr. Moore's commitment to better planning is evidenced by his participation in the development of the Comprehensive Plan (2004) and six (6) Village Plans for Montgomery County, by his service as liaison to the Economic Development Commission and by his certification by the Virginia Citizens Planning Association; and

WHEREAS, the wise council of Mr. Moore has always been for the betterment of the citizens of Montgomery County.

NOW THEREFORE, BE IT RESOLVED, that the Montgomery County Planning Commission hereby expresses its appreciation to David Moore for eight (8) years of outstanding service to the people of Montgomery County.

On a motion by Mr. Haynes, seconded by Mr. Seitz and unanimously carried the Planning Commission accepted the resolution with the amendment to add Mr. Donahue among the members to sign the document.

#### **LIAISON REPORTS:**

Board of Supervisors- John Muffo

No report.

Agriculture & Forestal District- Bob Miller

No report.

Blacksburg Planning Commission – John Tuttle

Reported missed it

Christiansburg Planning Commission – Bryan Rice

Mr. Rice stated the Christiansburg Planning Commission held public hearings for a new subdivision and a rezoning request on Radford Street.

Economic Development Committee- Vacant

No report.

Public Service Authority – Malvin Wells

Mr. Wells stated the meeting was cancelled.

Parks & Recreation- Walt Haynes

Mr. Haynes stated the meeting was held at the frog pond. Discussion included the tournament for little league at Shelor Park and the approval of funding for bridge repair.

Radford Planning Commission- Bob Miller

No report.

School Board- Bill Seitz

Mr. Seitz stated the Blacksburg High School will not be open. The School Board requested \$2.5 million from excess funds to finance transferring the high school.

Mr. Haynes noted the engineers report was back and the main cause was snow.

Transportation Safety Committee- Malvin Wells

Mr. Wells stated the committee met and discussed a variety of issues such as; a complaint regarding bicyclists not giving the right of way to vehicular traffic on Mt. Tabor; and erosion along county roads. There was brief discussion regarding ICA no longer being contractor for VDOT and the possible effects. The Dark Run Road and 460 intersection is a safety hazard and with the relocation of the school there was concern that the increase in speed would be a factor. The Shawsville Elementary School will be used for other school activities due to the relocation of schools; therefore, the speed limit will not be increased at this time.

Planning Director's Report- Steven Sandy

Staff is working on landscaping and sign ordinance amendments. There will be no meeting on July 21<sup>st</sup>. He reminded commission members of the Plan Virginia conference being held on July 23<sup>rd</sup> in Charlottesville.

Mr. Rice welcomed Joel Donahue to the commission.

There being no further business, the meeting was adjourned at 7:45 pm.